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In re Application of :  
KHABASHESKU et al :  
Application No.: 10/559,905 :  
PCT No.: PCT/US2004/019188 :  
Int. Filing Date: 16 June 2004 :  
Priority Date: 16 June 2003 :  
Attorney Docket No.: 11321-P066WOUS :  
For: FABRICATION OF CARBON :  
NANOTUBE REINFORCED EPOXY :  
POLYMER COMPOSITES USING :  
FUNCTIONALIZED CARBON :  
NANOTUBES :  
DECISION

This is a decision on the declaration filed in the international application pursuant to PCT Rule 4.17(iv) which has been treated as a petition under 37 CFR 1.42. No fee is required.

**BACKGROUND**

On 08 December 2005, applicants filed papers to enter the national stage of PCT/US2004/019188 which was accompanied by, *inter alia*, a copy of a declaration submitted pursuant to PCT Rule 4.17(iv) which was executed by four of the five named inventors and a legal representative on behalf of a deceased inventor.

**DISCUSSION**

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed pursuant to PCT Rule 4.17(iv) in the international application is signed by Mary Lou Margrave as legal representative of deceased inventor John L. Margrave. The declaration identifies each inventor and the country of citizenship of each inventor. In addition, the citizenship, residence and address of the legal representative are recorded on the supplemental declaration as required by 37 CFR 1.497(b)(2).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 June 2004, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 08 December 2005.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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